

REMARKS

Careful consideration has been given to the Official Action of November 24, 2008 and reconsideration of the application as now presented is requested.

Claim 9 stands rejected under 35 USC 112, second paragraph as being allegedly indefinitely.

Claims 1, 3-5, 7-9, and 11 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Cookson (U.S. Patent No. 3,852,929).

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Cookson.

Claims 2 and 10 stand rejected under 35 USC 103(a) as being allegedly unpatentable over Cookson in view of Player (US Patent No. 4,109,437).

Claims 12-14 stand rejected under 35 USC 103(a) as being allegedly unpatentable over Cookson in view of Simpson (US Patent No. 5,597,197).

Claims 15-17 stand rejected under 35 USC 103(a) as being allegedly unpatentable over Cookson in view of Kaiser (US Patent No. 5,524,409).

To overcome the rejection under 35 USC 112, second paragraph, claim 9 has been

amended to recite that the inwardly concave formation is provided on the inner upstanding rib of the female rib formation.

Claim 1 has been amended to recite that the inner and outer upstanding ribs of the male rib formation are substantially perpendicular to the flat web, and that the inner upstanding rib and the outer depending rib are also substantially perpendicular to the flat web. This is clearly supported by the figures of the application, and clarifies the feature that the assembled male and female formations together form a substantially rectangular closed channel as was already recited in claim 1. Claim 1 has also been amended to incorporate the features previously recited in claims 2 and 3 which have been canceled.

As noted by the Examiner, the previous claim listing erroneously indicated that claims 18-21 were canceled even though there had never been a claim 20, and this has been corrected.

The claims as now presented are distinguished and patentable over the cited art as will be discussed hereafter.

As now presented, claim 1 recites that the inner and outer upstanding ribs of the male rib formation are substantially perpendicular to the flat web, and that the inner upstanding rib and the outer depending rib are also substantially perpendicular to the flat web. This configuration allows the assembled male and female formations together to form a substantially rectangular closed channel, which not only advantageously conceals the

fastening means and obviates the need for any additional concealed fixing devices or clips as are required for known cladding sheets, but also provides a much easier shape for notched flushing to conform to when the cladding element is used for roofing, which results in reduced installation times and less chance of gaps and associated leaks. See page 6, lines 3-10 and page 7, lines 1-7.

Furthermore, by incorporating the features previously recited in claims 2 and 3, claim 1 provides a cladding element which is able to be installed in two different orientations. The first orientation is when a major visible surface is formed on a side of the web remote from the male and female formations and the fixing means is positioned between the inner and outer ribs of the male formation (as shown in Figs. 4 and 5). The second orientation is when the major visible surface is formed on a side of the web adjacent to the male and female formations and the fixing means is positioned in the joining section (as shown in Figs. 2 and 3). It is noted that the claim now defines a cladding element which can be installed in both of these orientations (and the two orientations are not claimed merely as alternatives), and this is achieved by the configuration of the ribs and the rectangular channel.

In contrast, Cookson requires a configuration that has a very unusual and complicated shape as clearly shown in Fig. 6. Specifically, the configuration of Cookson can be likened to a truncated arrow head, and in any event, it is respectfully not substantially rectangular as contended by the Examiner. To highlight the difference with the claimed invention, submitted herewith is a copy of Fig. 6 of Cookson in which the closed channel in question has been highlighted in solid line. Even if the inverted W-shaped underside of the channel is

ignored (which it should not be), the remainder of the outer surface of the channel is still not in any way rectangular as it has diverging sidewalls forming the shape of a truncated triangle. To further distinguish the claimed invention from the Examiner's statement, claim 1 has been amended as discussed above, to define more precisely the constructional elements required to create the rectangular channel. In particular, the inner and outer upstanding ribs of the male rib formation are now defined as being substantially perpendicular to the flat web, and the inner upstanding rib and outer depending rib of the female rib formation are similarly defined as being substantially perpendicular to the flat web. The male rib 81 shown in Cookson does not have substantially perpendicular inner and outer upstanding ribs, as claimed, as neither of walls 89 and 93 and pocket 103 are perpendicular to the flat web. Similarly, in the female rib formation 83 of Cookson, neither of the inner slanting wall 107 or resilient outer wall 111 are perpendicular to the flat web.

Accordingly, it is respectfully submitted that Cookson does not teach or suggest the inner and outer upstanding ribs of the male rib formation being substantially perpendicular to the plane of the flat web, the inner upstanding rib and outer depending rib of the female rib formation being substantially perpendicular to the plane of the flat web, and the assembled male and female formations together forming a substantially rectangular closed channel. Thus, claim 1 is clearly distinguished over Cookson.

It is noted that, in rejecting claim 2, the Examiner acknowledges that Cookson fails to disclose the major visible surface of the web is the side remote from the male and female formations. The Examiner cites Player in Fig. 1 as showing a building panel wherein the

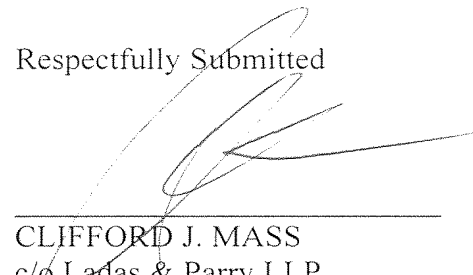
major visible surface of the web is the side remote from the male and female formations and contends that it would have been obvious to one of skill in the art to have the visible surface of the web in Cookson on the opposite side of the engaging formation as disclosed in Player. However, it is respectfully submitted that one skilled in the art would not modify Cookson with Player as proposed by the Examiner because doing so would go against the rest of the teaching of Cookson, and in fact, Cookson teaches away from such modification. See MPEP 2141.02 VI.

Specifically, as discussed above, Cookson requires a very unusual and complicated shape in which the male rib 81 is specially shaped to receive a fastening clip 15, and that the female rib 83 is also specially shaped to conceal the male rib and the fastening clip. Due to this unusual and complicated shape, one skilled would not simply flip the cladding element of Cookson over as proposed by the Examiner as this would result in unsightly recesses in the resulting combination (i.e. recesses 31 and 33). This problem is solved by the claimed invention by providing a rectangular channel formed by the male and female rib formations as discussed above.

For the sake of argument, even if one skilled in the art were to combine Cookson with Player, since neither Cookson nor Player teaches or suggests a rectangular channel formed by the male and female rib formations as recited in claim 1, their combination does not either.

In view of the above action and comments, it is respectfully submitted that the application is in condition for allowance and early notice thereof is earnestly solicited.

Respectfully Submitted



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